

PTO/SB/64 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Docket Number (Optional) PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT 02-4274 ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) First named inventor: BRYAN Thomas Johnson Application No.: 10 727, 459 Art Unit: 12/03/2003 Exa ADJUSTABLE SHELVING SYSTEM Filed: Examiner: Title: Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX (703) 872-9306 NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282. The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained. APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION NOTE: A grantable petition requires the following items: (1) Petition fee: (2) Reply and/or issue fee: (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and (4) Statement that the entire delay was unintentional. 1.Petition fee X Small entity-fee \$ 750 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. Other than small entity – fee \$ _____ (37 CFR 1.17(m)) 2. Reply and/or fee A. The reply and/or fee to the above-noted Office action in the form of REPLACEMENT DRAWINGS (identify type of reply): has been filed previously on

[Page 1 of 2]
This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

is enclosed herewith.

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B. The issue fee and publication fee (if applicable) of \$ _____

___ has been paid previously on

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3. Terminal disclaimer with disclaimer fee	
Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.	
A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ for a small entity or \$ for other than a small entity) disclaiming the required period of time is enclosed herewith (see	
PTO/SB/63).	
4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR·1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]	
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.	
Sanet Schafer	5-11-05
Signature ()	Date
JANET SCHAFER Typed or printed name	Registration Number, if applicable
•	
THAFER LAW DFFICE PA 127 TORCHEWOOD CIRCLE	
NEW BRIGHTON MN 55112.2538	
Address 'Enclosures: X Fee Payment	
Reply	
Terminal Disclaimer Form	
Additional sheets containing statements establishing unintentional delay	
Other:	
CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]	
I hereby certify that this correspondence is being: Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.	
Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.	
<u>5-17-200</u> 5	Signature SCHAFER
_laa	DET SCHAFER
Typed or printed name of person signing certificate	



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States: Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.C. DOX 1459 Alexandris, Vignis 22313-1450 www.uspbu.gov

ATTY. DOCKET NO./TITLE FIRST NAMED APPLICANT FILING OR 371(C) DATE APPLICATION NUMBER 02-4274

Bryan Thomas Johnson 12/03/2003 10/727,459

Janet P. Schafer SCHAFER LAW OFFICE, P.A. 727 Torchwood Circle New Brighton, MN 55112-2538

CONFIRMATION NO. 7102 ABANDONMENT/TERMINATION LETTER *OC00000016008582*

Date Mailed: 05/12/2005

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 08/23/2004.

No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item (s) identified in one of the following:

- 1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
- 2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 512); or
- 3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of UNAVOIDABLE DELAY must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the aboveidentified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the aboveidentified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (571) 272-3282.

A copy of this notice <u>MUST</u> be returned with the reply.

Office of Initial Patent Examination (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY